

**Enrolled Minutes of the Thirty-Eighth Rescheduled Regular Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Tuesday, May 28, 2013**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Tuesday, May 28, 2013 at 6:35 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed informally the process for selecting an architect to design a new police facility.

The study session ended at 6:55 O'clock p.m.

Regular meeting. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Tuesday, May 28, 2013 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Brian J. Novak, presided and the Town Deputy Clerk-Treasurer, Katy Dowling, was present to memorialize the proceedings. The meeting was opened with Councilor Novak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Brian Novak, and Konnie Kuiper. The Deputy Clerk-Treasurer, Katy Dowling was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; and Cecile Petro, Redevelopment Director were present.

Minutes of the Previous Meetings:

The minutes of the regular meetings of May 13, 2013 were approved as filed.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2013 Budget for the Gaming Revenue Sharing Fund and the General Improvement Fund.
 - (a) Attorney verification of Proofs of Publication: The TIMES 17 May 2013. The Town Attorney indicated that the proofs complied with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2013-18:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Gaming Revenue Sharing Fund and the General Improvement Fund.

Councilor Herak introduced and moved for the consideration of Appropriation Enactment No. 2013-18 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved for adoption of Appropriation Enactment No. 2013-18 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The enactment was adopted at the same meeting of its introduction.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2013-18

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GAMING REVENUE SHARING FUND AND THE GENERAL IMPROVEMENT FUND ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Gaming Revenue Sharing Fund and the General Improvement Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Gaming Revenue Sharing Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GAMING REVENUE SHARING FUND

Acct. No. 3xx.xx 3200 Condit Street	
Reconstruction Project-Professional Engineering:	\$ 18,525.00
<i>Total 300 Series:</i>	\$ 18,525.00
Acct. No. 4xx.xx 3200 Condit Street	
Reconstruction Project-Street Reconstruction:	\$198,534.00
<i>Total 400 series</i>	\$198,534.00
Fund Total:	\$217,059.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Acct. No. 400.xx 3200 Condit Street Sidewalk

And Curb Assessments: \$ 20,367.00
Total 400 Series: \$ 20,367.00
Fund Total: **\$ 20,367.00**

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28th Day of May 2013. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th Day of May 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

ATTEST:

Katy Dowling, IAMC/CMC/ CPFIM
Deputy Clerk-Treasurer (IC 36-5-6-5)

Staff Reports:

• Building & Inspection Report for April 2013

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	1	0	1	\$1,320,000.00	\$14,873.00
Commercial Additions or Remodeling:	6	0	6	\$329,727.00	\$4,719.00
Signs:	6	0	6	\$59,070.00	\$2,168.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	113	113	0	\$733,733.00	\$12,478.50
Garages:	1	1	0	\$10,860.00	\$316.50
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	4	4	0	\$12,080.00	\$693.00
Fences	16	16	0	\$41,817.00	\$1,520.00
Swimming Pools	2	2	0	\$0.00	\$146.00
DrainTile/ Waterproofing	2	2	0	\$10,645.00	\$245.00
Misc.	1	1	0		\$91.50
TOTAL:	152	139	13	\$2,517,932.00	\$37,251.00
Electrical Permits	13	9	4		\$1,221.00
Mechanical Permits	8	8	0		\$810.00
Plumbing Permits	8	7	1		\$710.00
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm	0	0	0		\$0.00

Taps					
TOTAL Plumbing:	8	7	1		\$940.00

April Code Enforcement:

Investigations: 150
Citations: 7

April Inspections:

Building: 20 Electrical: 29 Plumbing: 7 HVAC 7
Electrical Exams: 1

• Fire Department Report for April 2013

	Month	1st half of yr.
General Alarms	5	31
Still Alarms	6	16
Paid still alarms	3	17
Total:	14	

Appointments:

No appointment matters were taken up at the May 28, 2013 meeting of the Town Council.

Unfinished Business and General Orders:

- Resolution No. 2013-19:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Solid Waste Grant Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Kuiper moved for the passage and adoption of Resolution No. 2013-19. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2013-19**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SOLID WASTE GRANT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Solid Waste Grant Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Solid Waste Grant Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SOLID WASTE GRANT FUND

Reduce Account	#230.04 Other Supplies	\$6,952.00
	<i>Total 200 Series Decreases</i>	<u>\$6,952.00</u>
Increase Account:	#430.05 Equipment	\$6,952.00
	<i>Total 400 Series Increases</i>	<u>\$6,952.00</u>
Total of All Fund Decreases:		\$6,952.00
Total of All Fund Increases:		\$6,952.00

DULY RESOLVED and ADOPTED this 28th Day of May 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2013-20:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Municipal Cumulative Capital Development Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6.

Councilor Vassar moved the passage and adoption of Resolution No. 2013-20. Councilor Kuiper seconded.

Councilor Herak inquired with the Police Chief as to the necessity of an appropriation transfer at this point in the fiscal year. The Police Chief indicated that the appropriation transfer was necessary as a result of the acquisition of new police vehicles.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was approved.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2013-20**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account	#430.04 PD Furniture & Fixtures	<u>\$508.00</u>
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	<i>Total 400 Series Decreases</i>	\$508.00
Increase Account: #220.04 PD Vehicle Parts & Sup		\$508.00
	<i>Total 200 Series Increases</i>	\$508.00
Total of All Fund Decreases:		\$508.00
Total of All Fund Increases:		\$508.00

DULY RESOLVED and ADOPTED this 28th Day of May 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Grant Appropriation Enactment No. 2013-21:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Herak introduced and moved for the consideration of Grant Appropriation Enactment No. 2013-21 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved for the adoption of Grant Appropriation Enactment No. 2013-21 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
ENACTMENT NO. 2013-21**

An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area Domestic Highway Enforcement Task Force**, particularly represented on Clerk-Treasurer's receipt number 130819 in the total amount of **\$1,970.05** as reimbursement in support of overtime costs for detailed personnel and certain equipment maintenance;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the actual overtime personnel expenses of said municipality related to the Domestic Highway Enforcement Initiative (DHE) funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or

the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #111.30 Sworn Overtime	\$ 988.08
<i>Total 100 Series Increases</i>	<u>\$ 988.08</u>
 Increase Account: #360.01 Equipment Maintenance	 \$ 981.97
<i>Total 300 Series Increases</i>	<u>\$ 981.97</u>
 Total of All Fund Increases:	 \$1,970.05

Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 28th day of May 2013. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 28th Day of May 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2013-22:** A Resolution Articulating the “Sense of the Town Council” Regarding the Importance of Maintaining the Current Service Levels Provided by the United States Postal Service to the People of the Town of Highland.

Councilor Vassar made a motion to approve Resolution No. 2013-22. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**HIGHLAND TOWN COUNCIL
Resolution No 2013-22**

A RESOLUTION ARTICULATING THE “SENSE OF THE TOWN COUNCIL” REGARDING THE IMPORTANCE OF MAINTAINING CURRENT SERVICE LEVELS PROVIDED BY THE UNITED STATES POSTAL SERVICE TO THE PEOPLE OF THE TOWN OF HIGHLAND

WHEREAS, The Highland Town Council, as the fiscal and legislative body of the Town of Highland, from time to time, encounters issues of public import and moment which invite an expression from the elected representatives as part of the public discourse on the matter;

WHEREAS, Article 1, Section 31 of the Indiana Constitution provides that no law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good, nor from instructing their representatives, nor from applying to the General Assembly for redress of grievances; and

WHEREAS, The United States Postal Service has provided universal mail service at uniform rates to all people in the United States of America; and

WHEREAS, The Postmaster General has proposed devastating reductions that will impact those persons that utilize and depend upon services provided by the United States Postal Service; and

WHEREAS, The Town of Highland depends on the United States Postal Service to provide reliable mail delivery and all related services on a six-day per week schedule; and

WHEREAS, The Highland Town Council maintains that the preservation of the current schedule and related services are of great importance to the welfare of the residents and businesses that reside in the Town of Highland; and

WHEREAS, The Town of Highland, was incorporated to provide certain public services to the residents of this community, all of whom are also residents of this state, who from time to time assemble together in a peaceable manner, consult for their common good, instruct their elected representatives and in some cases apply to the proper officers of the state for redress of grievances, all for the betterment of government; and

WHEREAS, The Town of Highland by and through its elected officers wishes to offer a distinct, public expression on the public import of this matter,

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana that it is the sense of the Town Council of Highland, as follows:

Section 1. That the Town of Highland urges the Postmaster General to maintain all service levels currently offered by the United States Postal Service;

Section 2. That the Town of Highland further urges that the United States Postal Service should continue to provide universal mail service at uniform rates to all people of the United States of America;

Section 3. That the Town Clerk-Treasurer be hereby instructed to transmit and forward this resolution to the proper officers of Congress and the Postmaster General, to inform their deliberation and to the neighboring cities and towns as well as to such other parties or agencies that may be interested, and to encourage those persons to evidence their strong desire to see the objects and purposes of this "Sense of the Council Resolution" achieved.

DULY RESOLVED and ADOPTED this 28th Day of May 2013 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board Order No. 2013-32:** An Order Authorizing and Approving the First Change Order to the Construction Contract for the Fuel System Upgrade at the Highland Public Works Facility in the Amount of \$12,559.05, all Pursuant to IC 36-1-12-18.

Councilor Zemen moved for approval of Works Board Order No. 2013-32. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2013-32**

An Order Authorizing and Approving the First Change Order to the Construction Contract for the Fuel System Upgrade at the Highland Public Works Facility in the amount of \$12,559.05, all Pursuant to I.C. 36-1-12-18

Whereas, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for upgrade to the fleet fueling system at the Highland Public Works Facility (Project); and

Whereas, The Town Council has heretofore awarded a contract to Northern Indiana Mechanical, Incorporated for the Project on January 28, 2013 in the amount of Eighty-seven Thousand Three Hundred Fifty-six Dollars and No Cents (\$87,356.00); and

Whereas, during the course of construction of the Project, underground components of the system were exposed, inspected, determined to be in poor condition due to corrosion, and require replacement; and

Whereas, Northern Indiana Mechanical, Incorporated, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction, which has a net effect of increasing the contract cost in the amount of Twelve Thousand Five Hundred Fifty-nine Dollars and 5/100 Cents (\$12,559.05); and

Whereas, the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That Change Order No. 1 for the Fuel System Upgrade at the Highland Public Works Facility, as submitted by Northern Indiana Mechanical, Incorporated, is hereby approved and authorized in each and every respect;

Section 2. That this first addendum is hereby ordered to be known as Change Order No. 1, issued to increase the net cost to the original agreement between the Town of Highland and Northern Indiana Mechanical, Incorporated in the amount of Twelve Thousand Five Hundred Fifty-nine Dollars and 5/100 Cents (\$12,559.05), bringing the total value of the entire agreement with any and all change orders approved to date to Ninety-nine Thousand Nine Hundred Fifteen Dollars and 05/100 Cents (\$99,915.05);

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, Eighty-seven Thousand Three Hundred Fifty-six Dollars and No Cents (\$87,356.00), which may not exceed One Hundred Four Thousand, Eight Hundred Twenty-seven and 20/100 Cents all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered

Duly Passed and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of May, 2013 having passed by a vote of 5 in favor and 0 opposed.

**Town Council of the Town of
Highland, Indiana**

Brian Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk Treasurer
(IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2013-30:** An Order Approving and Authorizing an Agreement Between the Indiana Department of Transportation (INDOT) and the Town of Highland to Perform Street Sweeping on U.S. Route 41 (Indianapolis Boulevard) for the Period of July 1, 2013 through June 30, 2017.

Councilor Vassar moved for approval of Works Board Order No. 2013-30. Councilor Kuiper seconded.

Councilor Herak questioned the length of the contract with INDOT. The Public Works Director indicated that this agreement is mutually beneficial and that he recommends

its approval. Councilor Herak asked about a previous agreement for reimbursement for salt that was not followed properly. The Public Works Director indicated that the Town of Highland and INDOT did not have a formal agreement in place for a reimbursement for road salt.

Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

THE TOWN of HIGHLAND
ORDER OF THE WORKS BOARD NO. 2013-30

AN ORDER OF THE WORKS BOARD APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) AND THE TOWN OF HIGHLAND TO PERFORM STREET SWEEPING ON U.S. ROUTE 41 (INDIANAPOLIS BOULEVARD) FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2017

Whereas, The State of Indiana, Department of Transportation (INDOT), has operational and maintenance responsibilities for U.S. Route 41 (Indianapolis Boulevard) through the Town of Highland; and

Whereas, As a part of that responsibility, has determined that US 41 requires periodic street sweeping (four times per year) as a "Housekeeping" Best Management Practice (BMP) in order to keep the highway clean and minimize the amount of debris that is discharged to the receiving streams, all pursuant to 327 IAC 15-13-14 (Rule 13); and

Whereas, INDOT has offered and the Town of Highland has agreed to enter into an Agreement for street sweeping services to be performed by the Town of Highland Department of Public Works for 6.2 miles of curb length and 2.1 miles of median length along US41, through the Town of Highland, four (4) times per year; and

Whereas, The INDOT has offered and prepared a Sweeping Services Agreement, attached hereto and made a part of this Order, for sweeping services to be performed by the Town of Highland for fees to be charged and billed annually over the next four (4) years to the INDOT in the amount of \$2,988.00 per year, for the total contract amount of \$11,952.00 during the term of the Agreement; and

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §3.05.030 of the HMC, serves as purchasing agency for the Public Works Department; and

Whereas, the Service agreement exceeds \$10,000 in value and pursuant to §3.05.040 of the HMC requires the express approval of the purchasing agency; and

Whereas, The Town of Highland, through its Town Council, now desires to approve the Agreement, pursuant to the terms set forth therein, for services described herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Street Sweeping Services Agreement, (incorporated by reference and made a part of this Order) between the State of Indiana, Department of Transportation and the Town of Highland is hereby approved, adopted, and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Street Sweeping Services in the amount of Eleven Thousand, Nine Hundred Fifty-two and No Cents (\$11,952.00), paid annually in the amount of Two Thousand Nine Hundred Eighty-eight and No Cents (\$2,988.00), is found to be reasonable and fair;

Section 3. That the Town Council President be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

Be It So Ordered.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 28th day of May, 2013 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian Novak, President

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer

7. **Works Board Order No. 2013-31:** An Order Authorizing and Approving an Agreement between Bond Counsel, Local Bond Counsel and the Town of Highland to Perform Professional Legal Services in Support of the Issuance of the Corporation Bonds of 2013.

Councilor Vassar made a motion to approve Works Board Order No. 2013-31. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2013-31**

AN ORDER AFFIRMING, RATIFYING, AUTHORIZING AND APPROVING AGREEMENT(S) BETWEEN BOND COUNSEL, LOCAL COUNSEL AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL LEGAL SERVICES IN SUPPORT OF THE ISSUANCE OF THE CORPORATION BONDS OF 2013

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to resurface many of the roads and streets throughout the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional legal services associated with the sale of the Corporation Bonds; and

Whereas, Shanahan and Shanahan, LLC, a law firm, has consented to provide professional services related to issuing the Corporation Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel; and

Whereas, Tauber Law Offices, PC, a law firm, has consented to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section § 3.15.060; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Agreement (incorporated by reference and made a part of this Order) between **Shanahan and Shanahan, LLC**, and the Town of Highland, to provide professional services related to issuing the Corporation Bonds including providing an opinion letter for the buyer of the bonds, and other services related to service as Bond Counsel is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 3.15.060 of the municipal code;

Section 3. That the Agreement (incorporated by reference and made a part of this Order) between **Tauber Law Offices, PC**, a law firm, to provide professional services related to issuing the Corporation Bonds including other services related to service as Local Counsel, which would be apart from and in addition to the terms for services for which it is already engaged by the municipality is hereby approved, adopted and ratified in each and every respect;

Section 4. That the terms and charges under the agreement for the services, are not based upon a percentage of cost of the capital project, and are found and determined to be related to the services rendered as well as appropriate, reasonable and fair, all pursuant to IC 5-22-6-1, 50 IAC 11-3-1 and Section § 3.15.060 of the municipal code;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 28th day of May 2013 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 8. Proposed Ordinance No. 1536:** An Ordinance to Amend Chapter 12.15 of the Highland Municipal Code, by Amending Solid Waste Fees Set Forth in Subdivision (G) of Section 12.15.090 of the Municipal Code.

Councilor Vassar introduced and moved for the consideration of Ordinance No. 1536 at the same meeting of its introduction. Councilor Kuiper seconded.

Under discussion, Councilor Herak inquired as to the amount of the new rates. The Public Works Director reviewed the trash rates, noting a reduction in the monthly rate. Councilor Herak asked how residents that have more than one refuse can would be accommodated and how a resident might obtain a smaller can. The Public Works Director reviewed the process for refuse pick-up and the process for can acquisition.

Upon a roll call vote, there were five affirmatives and no negatives. The ordinance could be considered at the same meeting of introduction.

Councilor Kuiper moved for the adoption of Ordinance No. 1536 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE NO. 1536
TOWN OF HIGHLAND**

AN ORDINANCE TO AMEND CHAPTER 12.15 OF THE HIGHLAND MUNICIPAL CODE, BY AMENDING SOLID WASTE SERVICE FEES SET FORTH IN SUBDIVISION (G) OF SECTION 12.15.090 OF THE MUNICIPAL CODE.

WHEREAS, The Sanitary District of Highland is governed by its Board of Sanitary Commissioners, pursuant to the provisions of IC 36-9-25 et seq; and

WHEREAS, IC 36-9-25-9 specifically provides that the Board of Sanitary Commissioners shall manage and control all works of the district and may purchase, acquire, construct, reconstruct, operate, repair and maintain all sewage works; and

WHEREAS, The Board of Sanitary Commissioners in performing its duties, may adopt resolutions, rules and by-laws that are necessary to carry out the provisions of IC 36-9-25 including repealing and amending them consistent with the Sanitary District Law; and

WHEREAS, IC 36-9-25-11 specifically provides that the Board of Sanitary Commissioners may fix fees for disposal of sewage and other waste discharged into the sewerage system, including -- structures necessary or useful for the collection, treatment, purification, and sanitary disposal of the liquid waste, *solid waste*, sewage, storm drainage, and other drainage of a municipality, and may change fees from time to time in order to produce revenues sufficient to pay operation, maintenance and Administrative expenses; and

WHEREAS, IC 36-9-25-9 expressly provides that *the board shall collect and remove garbage, ashes, and other waste materials to prevent the pollution of watercourses within the district and to protect the public health;*

WHEREAS, Pursuant to Section 12.30.360 of the Highland Municipal Code, Annual Review, the Board of Sanitary Commissioners has studied the current rates and charges of the district and has determined that the rates and charges associated with solid waste management services should be modified; and

WHEREAS, The Board has determined that establishing rates to support the costs associated with the *Solid Waste Management Program*, is necessary to provide sufficient revenues for operation, maintenance, and replacements to the program; and

WHEREAS, IC 36-9-25-11(e) provides that a change of fees may be made in the same manner as fees were originally established; however, if a change is made substantially pro-rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required.

WHEREAS, The Board conducted the proper public hearing and did pass a resolution to establish use rates for all classes of users for Solid Waste management services; and,

WHEREAS, The Board did transmit the resolution and the suggested ordinance for the adoption of the rates and charges for Solid Waste Management Program, and does request that the Town Council approve the rates and charges and adopt the ordinance presented,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Indiana, as follows:

Section 1. That the following provisions and associated rates and charges for the disposal of sewage and other waste discharged into the sewerage system, including solid waste, subject to IC 36-9-25-11(c) be approved;

Section 2. That subdivision (G) of Section 12.15.130 of the Highland Municipal Code be repealed in its entirety;

Section 3. That Chapter 12.15 of the Highland Municipal Code be amended by the establishment of a new subdivision and section to be styled as Section 12.15.130 subdivision (G) which shall read as follows:

12.15.090 Solid waste management fees and services

(G) The solid waste management and associated fees shall be charged according to the following schedule and shall remain in effect as indicated until such time as they may be modified or rescinded by passage and adoption of an ordinance, pursuant to the terms of IC 36-9-25 et seq.:

Solid Waste Management Fees Schedule

Monthly Solid Waste Management Fees

- | | | |
|-----|---|--|
| (1) | For the period beginning July 1, 2013: | |
| | (a) | Qualified dwelling unit – 95 gallon refuse cart: \$17.00 monthly |
| | (b) | Qualified dwelling unit – 65 gallon refuse cart: \$16.00 monthly |
| (2) | For the period beginning April 1, 2014: | |
| | (a) | Qualified dwelling unit – 95 gallon refuse cart: \$17.71 monthly |

- (b) Qualified dwelling unit – 65 gallon refuse cart: \$16.71 monthly
- (3) For the period beginning April 1, 2015:
 - (a) Qualified dwelling unit – 95 gallon refuse cart: \$18.44 monthly
 - (b) Qualified dwelling unit – 65 gallon refuse cart: \$17.44 monthly
- (4) For the period beginning April 1, 2016:
 - (a) Qualified dwelling unit – 95 gallon refuse cart: \$19.18 monthly
 - (b) Qualified dwelling unit – 65 gallon refuse cart: \$18.18 monthly
- (5) For the period beginning April 1, 2017:
 - (a) Qualified dwelling unit – 95 gallon refuse cart: \$19.93 monthly
 - (b) Qualified dwelling unit – 65 gallon refuse cart: \$18.93 monthly
- (6) For the period beginning April 1, 2018:
 - (a) Qualified dwelling unit – 95 gallon refuse cart: \$20.71 monthly
 - (b) Qualified dwelling unit – 65 gallon refuse cart: \$19.71 monthly

Section 4. That pursuant to IC 36-9-25-11(e), the passage and adoption of this ordinance shall constitute legislative body approval of the fees and charges set forth in this ordinance as previously approved by the Board of Sanitary Commissioners;

Section 5. That the fees and charges imposed by the passage and adoption of this ordinance shall become and be effective upon all users whose property is within the district, upon its passage and adoption, pursuant to its terms and effective dates set forth herein;

Section 6. That upon its passage and adoption, the provisions of this ordinance shall be effective immediately, evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a), subject to any requirements for publication, which, may be required, pursuant to IC 36-5-2-10.

The forgoing provisions were in resolution form, introduced in the meeting of the Board of Sanitary Commissioners of April 16, 2013, where it was ordered for a public hearing, all pursuant to IC 36-9-25-11. The public hearing was conducted at the meeting of May 7, 2013. Following the hearing, the resolution was passed and adopted by the Board of Sanitary Commissioners by a vote of 5 in favor and 0 opposed.

Introduced and Filed on the 28th day of May 2013. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 28th day of May 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

9. Proposed Ordinance No. 1538: An Ordinance of the Town of Highland, Indiana, Concerning the Funding of Street Maintenance Projects by the Town Council of the Town of Highland through the Issuance and Sale of General Obligation Bonds.

Councilor Vassar introduced and moved for the consideration of Ordinance No. 1538 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved for the adoption of Ordinance No. 1538 at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The ordinance was adopted at the same meeting of its introduction.

**Town of Highland
ORDINANCE No. 1538**

An Ordinance of the Town of Highland, Indiana, concerning the funding of street maintenance projects by the Town Council of the Town of Highland through the issuance and sale of general obligation bonds, and other matter connected therewith

WHEREAS, the Town of Highland, Lake County, Indiana (the "Town") is a Town organized and existing under the provisions of Indiana Code 36-5; and

WHEREAS, the Town Council of the Town (the "Town Council") finds that the present facilities of the Town are not adequate to provide the proper services to present and future Town residents utilizing its facilities; and

WHEREAS, the Town Council finds that there are not sufficient funds available or provided for in existing tax levies with which to pay the total cost of the street repair and street maintenance paving project (the "Project") in said Town, and that the Town should issue bonds in the amount not to exceed \$2,000,000 for the purpose of providing funds to be applied on the Project, and that bonds in such amount should now be authorized; now therefore,

BE IT ORDAINED by the Town Council that, for the purpose of obtaining funds to be applied on the cost of the Project, there shall be issued and sold the negotiable, general obligations of the Town to be designated as "General Obligation Bonds of 2013." Said bonds shall be in the principal amount of not to exceed Two Million Dollars (\$2,000,000), bearing interest at a rate or rates not exceeding four percent (4%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable beginning February 1, 2014, and semi-annually thereafter on February 1 and August 1 in each year. The bonds shall be fully registered in the denomination of Five Thousand Dollars (\$5,000) or integral multiples thereof, and shall mature or subject to mandatory redemption on February 1 and August 1 over a period ending not later than February 1, 2019, on the dates and in the amounts as determined at the time of sale of the bonds, provided that the maturity schedule shall provide approximately level annual principal payments over the life of the bonds.

The original date shall be the date of delivery of the bonds. The authentication certificate shall be dated when executed by the Registrar and Paying Agent.

Interest shall be paid from the interest payment date to which interest has been paid next preceding the date of authentication unless the bond is authenticated on or before the fifteenth day immediately preceding the first interest payment date, in which case interest shall be paid from the original date, or unless the bond is authenticated after the fifteenth day immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date.

Interest shall be payable by check mailed one business day prior to the interest payment date to the person in whose name the bonds are registered on the bond register maintained at the office of the Clerk-Treasurer of the Town or the designated corporate trust office of the bank to be selected by the Clerk-Treasurer of the Town (the "Registrar and Paying Agent") or successor registrar and paying agent, as of the fifteenth day immediately preceding such interest payment date, or by wire transfer of immediately available funds on the interest payment date to the registered owners. Principal of the bonds shall be payable upon presentation of the bonds at the designated corporate trust office of the Registrar and Paying Agent in lawful money of the United States of America or by wire transfer of immediately available funds to the registered owners who present the bonds to the Registrar and Paying Agent at least two business days prior to the payment date. The bonds are transferable by the registered owner at the designated office of the Registrar and Paying Agent upon surrender and cancellation of a bond and on presentation of a duly executed written instrument of transfer, and thereupon a new bond

or bonds of the same aggregate principal amount and maturity and in authorized denominations will be issued to the transferee or transferees in exchange therefor. The bonds may be exchanged upon surrender at the designated office of the Registrar and Paying Agent, duly endorsed by the registered owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

The Town agrees that on or before the fifth business day immediately preceding any payment date, it will deposit with the Registrar and Paying Agent funds in an amount equal to the principal of and interest on the bonds which shall become due on the next payment date. Funds to pay principal of and interest on the bonds shall come from property taxes levied and collected on taxable property within the Town or from any other revenue source legally available to the Town.

The Town has determined that the bonds may be held by a central depository system pursuant to an agreement between the Town and The Depository Trust Company, and have transfers of the bonds effected by book-entry on the books of the central depository system. The bonds may be initially issued in the form of a separate single authenticated fully registered bond for the aggregate principal amount of each separate maturity of the bonds. Upon initial issuance, the ownership of such bonds may be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company.

With respect to the bonds registered in the register kept by the Paying Agent in the name of CEDE & CO., as nominee of The Depository Trust Company, the Town and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner (the "Beneficial Owner") of the bonds with respect to (i) the accuracy of the records of The Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any notice with respect to the bonds including any notice of redemption, or (iii) the payment to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the bonds except as otherwise provided herein.

If the central depository system is utilized, no person other than The Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the Town to make payments of the principal of and premium, if any, and interest on the bonds pursuant to this Ordinance. The Town and the Registrar and Paying Agent may treat as and deem The Depository Trust Company or CEDE & CO. to be the absolute Bondholder of each of the bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such bonds; (ii) giving notices of redemption and other notices permitted to be given to Bondholders with respect to such bonds; (iii) registering transfers with respect to such bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by Bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the bonds only to or upon the order of The Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Town's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Upon delivery by The Depository Trust Company to the Town of written notice to the effect that The Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this Ordinance shall refer to such new nominee of The Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO. as nominee of The Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such bonds and all notices with respect to such bonds shall be made and given, respectively, to The Depository Trust Company as provided in a representation letter from the Town to The Depository Trust Company.

Upon receipt by the Town of written notice from The Depository Trust Company to the effect that The Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of The Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the bonds shall no longer be restricted to being registered in the register of the Town kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company, but may be registered in

whatever name or names the Bondholders transferring or exchanging bonds shall designate, in accordance with the provisions of this Ordinance.

If the Town determines that it is in the best interest of the Bondholders that they be able to obtain certificates for the fully registered bonds, the Town may notify The Depository Trust Company and the Registrar, whereupon The Depository Trust Company will notify the Beneficial Owners of the availability through The Depository Trust Company of certificates for the bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the bonds as requested by The Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever The Depository Trust Company requests the Town and the Registrar to do so, the Registrar and the Town will cooperate with The Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the bonds.

If the bonds shall no longer be restricted to being registered in the name of a depository trust company, the Registrar shall cause the bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such bonds printed until it shall have received from the Town indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to Bondholders by the Town or the Registrar with respect to any consent or other action to be taken by Bondholders, the Town or the Registrar, as the case may be, shall establish a record date for such consent or other action and give The Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the bonds are registered in the name of The Depository Trust Company or CEDE & CO. or any substitute nominee, the Town and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the bonds or from The Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and The Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the Bondholders for purposes of this Ordinance and the Town and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the Bondholders. Along with any such certificate or representation, the Registrar may request The Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the bonds, together with the dollar amount of each Beneficial Owner's interest in the bonds and the current addresses of such Beneficial Owners.

The bonds are not subject to optional redemption prior to maturity.

The bonds may be subject to mandatory sinking fund redemption at the election of the successful bidder if the bonds are priced as term bonds. In such case, the annual amount to be called for mandatory sinking fund redemption shall be the amount the Town would have paid each year had the bonds been sold as serial bonds. The redemption price shall be par plus accrued interest to the date of redemption.

Official notice of such redemption shall be mailed by the Town or Registrar and Paying Agent to the registered owners of all bonds to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. Said notice shall, with substantial accuracy:

Designate the date and place of redemption, said place to be the offices of the Registrar and Paying Agent; and

Designate the bonds to be redeemed; and

State that on the designated date fixed for said redemption said bonds shall be redeemed by the payment of the applicable redemption price hereinbefore set forth, and that from

and after the date so fixed for such redemption interest on the bonds so called for redemption shall cease.

The cost and expenses of the preparation and mailing of said notices of redemption shall be paid by the Town.

Such notice having been mailed as above provided, the bonds designated for redemption shall, on the date specified in such notice, become due and payable at the then applicable redemption price, and on presentation and surrender of such bonds in accordance with such notice, at the place at which the same are expressed in such notice to be redeemable, such bonds shall be redeemed by the Registrar and Paying Agent on behalf of the Town by the payment of such redemption price to registered owners out of funds held by the Registrar and Paying Agent for that purpose. From and after the date of redemption so designated, unless default shall be made in the redemption of the bonds upon presentation, interest on bonds designated for redemption shall cease. If not so paid on presentation thereof, the bonds shall continue to bear interest at the rate therein specified. All bonds so redeemed shall be cancelled and destroyed. Bonds so redeemed shall not be reissued, nor shall any bonds be issued in lieu thereof.

If, when the bonds authorized hereby shall have become due and payable in accordance with their terms, the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the bonds then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America the principal of and interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held by the Registrar and Paying Agent for such purpose under the provisions of this Ordinance, and provision shall also be made for paying all Registrar and Paying Agent's fees and expenses and other sums payable hereunder by the Town, then all moneys, obligations and time certificates of deposit held by the Registrar and Paying Agent pursuant to this paragraph shall be held in trust and said moneys and the principal and interest of said obligations and time certificates of deposit when received, applied to the payment, when due, of the principal and the interest, and registered owners of bonds shall not be entitled to payment of any principal and/or interest from Town. The Registrar and Paying Agent shall within thirty (30) days after such obligations or time certificates of deposits shall have been deposited with it, cause a notice signed by the Registrar and Paying Agent to be mailed to the registered owners of all outstanding bonds and published once in a newspaper or financial journal published in Indianapolis, Indiana, setting forth (a) a description of the obligations so held by it, and (b) that the registered owners shall be entitled to be paid principal and/or interest from such funds and income of such securities held by Registrar and Paying Agent and not from Town.

Said bonds shall be executed in the name of Town by the manual or facsimile signature of the President of its Town Council, and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town Council, who shall cause the seal of the Town to be imprinted or impressed on each of said bonds. In case any official whose signature or facsimile of whose signature shall appear on the bonds shall cease to be such officer before the issuance, authentication or delivery of such bonds, such signature or such facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

No bond shall be valid or obligatory for any purpose, unless and until authenticated by the Registrar and Paying Agent. Such authentication may be executed by an authorized representative of the Registrar and Paying Agent, but it shall not be necessary that the same person authenticate all of the bonds issued. Town and the Registrar and Paying Agent may deem and treat the person in whose name a bond is registered on the bond register as the absolute owner thereof for all purposes, notwithstanding any notice to the contrary.

In order to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes and as an inducement to purchasers of the bonds, the Town represents, covenants and agrees that:

No person or entity, other than the Town or another governmental unit, will use proceeds of the bonds or property financed by the bond proceeds other than as a member of the general public. No person or entity, other than the Town or another governmental unit, will own property financed by bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

No bond proceeds will be loaned to any entity or person. No bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the bond proceeds.

The Town will, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes, rebate all required arbitrage profits on bond proceeds or other moneys treated as bond proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such moneys in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

The Town will file an information report form 8038-G with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

The Town will not take any action nor fail to take any action with respect to the bonds that would result in the loss of exclusion from gross income for federal income tax purposes of interest on the bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the bonds, nor will the Town act in any other manner which would adversely affect such exclusion.

The Town represents that it reasonably expects that tax-exempt bonds, warrants and other evidences of indebtedness issued by or on behalf of it or any subordinate entity, during the calendar year in which the bonds will be issued will be less than \$10,000,000 principal amount. This amount includes all obligations issued by, or on behalf of the Town and subordinate entities, including building corporation bonds. At least 95% of the net proceeds of the bonds shall be used for governmental activities of Town. The Town hereby designates the bonds as qualified tax exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

The bonds shall be issued in substantially the following form, all blanks to be filled in properly prior to delivery:

Registered

Registered

No. _____

\$ _____

UNITED STATES OF AMERICA
State of Indiana County of Lake

TOWN OF HIGHLAND
GENERAL OBLIGATION BOND OF 2013

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum:

Town of Highland, Lake County, Indiana (the "Town"), a town organized and

existing under the laws of the State of Indiana, in Lake County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner (named above) or to registered assigns, the Principal Sum set forth above on the Maturity Dates set forth above and to pay interest thereon at the Interest Rate per annum set forth above from the interest payment date to which interest has been paid next preceding the date of authentication hereof unless this bond is authenticated on or before January 15, 2014, in which case interest shall be paid from the Original Date, or unless this bond is authenticated after the fifteenth day immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date, which interest is payable on February 1, 2014, and each February 1 and August 1 thereafter until the principal has been paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Interest shall be payable by check mailed one business day prior to the interest payment date to registered owner or by wire transfer of immediately available funds on the interest payment date to the registered owner. Payment shall be made to the person or depository in whose name this bond is registered as of the fifteenth day immediately preceding such interest payment date. Principal of this bond shall be payable upon presentation of this bond at the designated office of the [Clerk-Treasurer of the Town, Highland, Indiana][or _____, _____, Indiana] (the "Registrar and Paying Agent") or by wire transfer of immediately available funds to registered owner who presents the bonds to the Registrar and Paying Agent at least two business days prior to the payment date in lawful money of the United States of America. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Registrar and Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the registered owner by 2:30 p.m. (New York City time).

This bond is one of an issue of bonds aggregating Two Million Dollars (\$2,000,000), of like tenor and effect, except as to numbering, authentication date, denomination, interest rate, and date of maturity, issued by Town pursuant to an ordinance adopted by the Town Council of said Town on May 28, 2013 (the "Ordinance"), and in strict accordance with the governing statutes of the State of Indiana, particularly Indiana Code 36-5, for the purpose of providing funds to be applied on the cost of the street repair and street maintenance paving project in said Town.

The bonds of this issue are not subject to optional redemption prior to maturity.

[The bonds maturing on _____ are subject to mandatory sinking fund redemption in accordance with the Certificate of Delivery and Payment executed by the Clerk-Treasurer of the Town.]

Notice of redemption identifying the bonds to be redeemed will be mailed to the registered owners of bonds to be redeemed.

If this bond is called for redemption, and payment is made to the Registrar and Paying Agent in accordance with the terms of the Ordinance, this bond shall cease to bear interest from and after the date fixed for the redemption in the call.]

This bond shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the Town and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.

This bond is transferable in accordance with the Book Entry System or, if no such system is in effect, by the Registered Owner hereof at the designated corporate trust office of the Registrar and Paying Agent, upon surrender and cancellation of this bond and on presentation of a duly executed written instrument of transfer and thereupon a new bond or bonds of the same aggregate principal amount and maturity and in authorized denominations

will be issued to the transferee or transferees in exchange therefor. This bond may be exchanged upon surrender hereof at the designated corporate trust office of the Registrar and Paying Agent, duly endorsed by the Registered Owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

The Town and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof.

It is hereby certified and recited that all acts, conditions and things required by the laws and constitution of the State of Indiana to be done precedent to and in the issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as provided by law, and that the bonds of this issue do not exceed any constitutional or statutory limitation of indebtedness. The full faith and credit of Town is hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms and the Town will levy a tax and appropriate funds to pay such principal and interest.

This bond shall not be valid or become obligatory for any purpose until authenticated by the Registrar and Paying Agent.

The Town has designated this bond a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

IN WITNESS WHEREOF, Town has caused this bond to be executed in its name by the manual or facsimile signature of the President of its Town Council and attested by the manual or facsimile signature of the Clerk-Treasurer of said Council.

TOWN OF HIGHLAND, LAKE
COUNTY, INDIANA

Brian Novak, President

Attest:

Katy Dowling
Deputy Clerk-Treasurer

AUTHENTICATION CERTIFICATE

This bond is one of the bonds referred to in the within mentioned Ordinance.

Registrar and

Paying Agent

By: _____

Authorized Representative

[End of Bond Form]

BE IT FURTHER ORDAINED that prior to the sale of said bonds at public sale, notice of such sale shall be published once each week for two (2) weeks in The Times and The Post-Tribune, the first of said publications to be at least fifteen (15) days prior to the date fixed for the sale of said bonds and the last at least three (3) days prior, and may be published in the Court and Commercial Record, a newspaper published in the City of Indianapolis, Indiana. At the time fixed for the opening of bids, the Clerk-Treasurer shall be present, all bids shall be opened in the presence of the Clerk-Treasurer, and the award shall be made by the Clerk-Treasurer.

The bond sale notice, when published, shall provide that each bid shall be in a sealed envelope marked "Bid for General Obligation Bonds of 2013," and the successful bidder shall provide a certified or cashier's check in the amount of Twenty Thousand Dollars (\$20,000), payable to Town, to insure the

good faith of the bidder. In the event the successful bidder shall fail or refuse to accept delivery of the bonds when ready for delivery, said check and the proceeds thereof shall be retained by the Town as its liquidated damages. Said notice shall also provide that bidders for said bonds shall name the purchase price for the bonds, not less than 99.5% of par and the rate or rates of interest which the bonds are to bear, not exceeding four percent (4%) per annum; that said interest rate or rates shall be in multiples of one-eighth or one-twentieth (1/20) of one percent (1%); that the interest rate named for any maturity shall be equal to or greater than the immediately preceding maturity; and that the highest bidder shall be the one who offers the lowest net interest cost to the Town, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any, or adding the discount bid, if any. The bond sale notice shall state that the opinion of Shanahan & Shanahan LLP, bond counsel of Chicago, Illinois, approving the legality of said bonds, will be furnished to the purchaser at the expense of the Town, so that the Town will receive due credit therefor in the bidding. Said notice may contain such other terms and conditions as the attorney for the Town shall deem advisable.

BE IT FURTHER ORDAINED that the matter of appropriating the proceeds of the bonds authorized at this meeting be taken up for consideration as soon as notice of the hearing on said appropriation can be given as provided by law, and that the Clerk-Treasurer of the Town be and he hereby is directed to give notice of the public hearing to be held prior to the final action on such appropriation, which notice shall be published twice, one week apart, in The Times and The Post-Tribune; also, that said notice shall be posted in three (3) public places in the Town, and that such first publication and posting shall be made at least ten (10) days prior to the date set for such public hearing.

Passed and Adopted this 28th day of May, 2013.

Brian J. Novak
President, Town Council
Town of Highland, Indiana

ATTEST:

Katy Dowling
Deputy Clerk-Treasurer
Town of Highland, Indiana

10. Authorization for the proper officer to publish notice of a public hearing on June 24, 2013 on proposed additional appropriations in the Corporation Capital Fund in the amount of \$2,000,000, in excess of the FY 2013 Budget for expenses associated with the Condit Street Reconstruction Project.

Councilor Vassar made a motion to authorize the proper officer to publish notice of a public hearing on June 24, 2013 on proposed additional appropriations in the Corporation Capital Fund in the amount of \$2,000,000. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed.

11. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1511 the Wage and Salary Ordinance, as amended. The Public Works Director wishes to increase the pay of a part-time laborer working as custodian from the starting pay of \$7.25 per hour to \$9.00 per hour.

Councilor Kuiper made a motion to approve pay for an employee at a higher starting pay for than for the range of the position. Councilor Vassar seconded.

Councilor Herak indicated that he cannot support this motion because the action sets a precedent. He further expressed that the salary ordinance is the governing document for wages and salary.

Upon a roll call vote, Councilors Zemen, Vassar, Kuiper, and Novak voted in favor of and Councilor Herak dissented. The motion passed.

Comments from the Town Council Members

(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors.*

Councilor Zemen complemented the organizers of the Memorial Day Program.

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Public Works Director to brief the Town Council about ongoing and upcoming Sanitary District bids and processes.

Councilor Herak made a motion to add the selection of an architect for design of a new police facility to the agenda. Councilor Zemen seconded the motion. Upon a roll call vote, there were 5 affirmatives and no negatives. The item was able to be added to the agenda for consideration at the current meeting.

Councilor Herak made a motion to approve Wilson-Estes as the architect for the design of a new police facility, subject to review by the Town Attorney. Councilor Zemen seconded the motion.

Under discussion, Councilor Kuiper indicated his desire to utilize a local architect for this project. Councilor Herak noted that this firm specializes in this type of project. Councilor Herak also reviewed the history of the facility discussion. Councilor Vassar noted that the reference to the previous Town Council is actually the Town Council prior to the current board. Councilor Zemen reviewed some of the issues that came up when the architects were vetted previously. Councilor Novak reviewed the recent selection/review process undertaken by Commander George Georgeff and Police Commissioner Jim Slagle and indicated his desire to move forward with this project. For clarification, the Deputy Clerk-Treasurer asked Councilor Herak if he intended his motion to only include design for a police facility and exclude the design for the town hall. Councilor Herak indicated that was his intention.

Upon a roll call vote, Councilors Zemen, Herak, and Novak voted in favor of and Councilors Vassar and Kuiper dissented. The motion passed by a vote of 3 in the affirmative and 2 in the negative.

At this time, Councilor Herak thanked Councilor Kuiper for voting to add the item to the agenda, even though he was not in favor of the architect selected.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison □Information Technology Liaison.*

Councilor Vassar offered no report.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper offered no report.

- **Council President Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

Councilor Novak recognized the Police Chief to review the current traffic safety activities.

Comments from Visitors or Residents:

There was no public comment offered.

Payment of Accounts Payable Vouchers. There being no comments from the public, Councilor Vassar moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period April 23, 2013 through May 13, 2013. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Deputy Clerk-Treasurer was authorized to make payment.

Approval of Payroll Dockets. Councilor Herak moved for the approval of the payroll dockets from payday May 3 and May 17, 2013. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The payroll dockets were approved.

Vendors Accounts Payable Docket:

General Fund, \$224,882.65; Motor Vehicle Highway and Street (MVH) Fund, \$20,313.99; VIPS/Park Safety Fund, \$850.00; Federal Seized Asset Forfeiture Fund, \$1,632.52; Law Enforcement Continuing Education, Training and Supply Fund, \$1,430.60; Information and Communications Technology Fund, \$4,057.79; Donation Fund, \$2,061.93; Special Events Fund, \$462.10; Municipal Cumulative Capital Development Fund, \$77,120.99; General Improvement Fund, \$240.00; Traffic Violations and Law Enforcement Agency Fund, \$13,270.00; Safe Neighborhoods Grant Fund, \$2,016.00. Total: \$348,338.57.

Payroll Dockets:

Payroll Docket for payday of May 3, 2013 - Total of \$169,362.44

- Council, Boards and Commissions -
- Office of the Clerk-Treasurer - \$12,814.36
- Building & Inspection Dept. - \$6,383.90
- Metropolitan Police Department - \$89,512.03
- Fire Department - \$2,816.51
- Public Works Department - \$57,835.64
- Police 1925 Pensions -

Payroll Docket for payday of May 17, 2013 - Total of \$180,825.16

- Council, Boards and Commissions -
- Office of the Clerk-Treasurer - \$12,725.71
- Building & Inspection Dept. - \$7,220.30
- Metropolitan Police Department - \$100,339.70
- Fire Department - \$2,886.74
- Public Works Department - \$57,652.71
- Police 1925 Pensions -

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The rescheduled plenary meeting of the Town Council of Tuesday, May 28, 2013 was adjourned at 7:57 O'clock p.m. No study session followed the plenary meeting.

Katy Dowling, IAMC/CMC/CPFIM
Deputy Clerk-Treasurer